



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Todd H. Rider et al.
Serial No. : 09/848,811
Filed : May 4, 2001
Title : OPTOELECTRONIC SENSOR

Art Unit : 1641
Examiner : Christopher L. Chin

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TERMINAL DISCLAIMER

I, Y. Rocky Tsao, Esq., hereby represent as a patent attorney of record on behalf of Todd Rider and Laura Smith state the following:

I certify that Massachusetts Institute of Technology, a U.S organization having a place of business at Cambridge, Massachusetts, U.S.A, is the exclusive owner of the entire right, title, and interest in the above-identified application by virtue of two assignments for the two parent applications U.S. Serial No. 09/169,196 (now U.S. Patent No. 6,248,542) and U.S. Serial No. 08/987,410 (now U.S. Patent No. 6,087,114). A copy of these two assignments is attached.

Pursuant to 37 C.F.R. § 3.73(b), I have reviewed all evidentiary documents in the chain of title of the above-identified application and to the best of my knowledge and belief, title is in Massachusetts Institute of Technology.

Pursuant to 37 C.F.R. § 1.321(b) and to obviate a double patenting rejection, Massachusetts Institute of Technology hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above-identified application subsequent to the expiration date of the patent issued from U.S. Patent 6,248,542. Any patent granted on the above-identified application and the patent issued from U.S. Patent No. 6,248,542 will expire on

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January 26, 2004
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Y. Rocky Tsao
Signature

Ysa G. Gray
Typed or Printed Name of Person Signing Certificate

the same day. Further, any patent granted on the above-identified application shall be enforceable only for and during such period that said patent is commonly owned with the patent issued from U.S. Patent No. 6,248,542. Massachusetts Institute of Technology does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of the patent issued from U.S. Patent No. 6, 248,542 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title.

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This disclaimer runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

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CIP Cont.

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 1-26-04

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